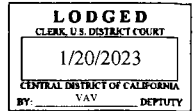


AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Central District of California



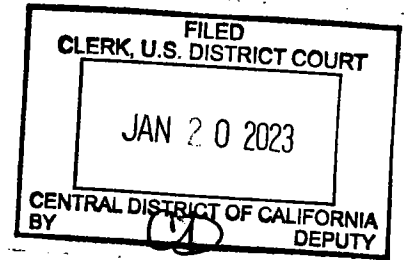
United States of America)

v.)

PENISIMANI KINIKINI)

Case No. 2:23-mj-00248-DUTY)

Defendant(s)



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 19, 2023 in the county of Los Angeles in the
Central District of California, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 922(g)(1)

Felon in Possession of Ammunition

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

Special Agent Blake Ouzounian

Printed name and title

Sworn to before me and signed in my presence.

Date: 01/20/2023

Judge's signature

City and state: Los Angeles, California

Honorable Steve Kim

Printed name and title

AFFIDAVIT

I, Blake Ouzounian, being duly sworn, declare and state as follows:

PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of a criminal complaint against Penisimani Kinikini ("KINIKINI") for a violation of 18 U.S.C. § 922(g)(1): Felon in Possession of Ammunition.

2. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and part only.

BACKGROUND OF BLAKE OUZOUNIAN

3. I am a Special Agent ("SA") with the Department of Homeland Security, United States Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI"), in Los Angeles County, California, and I have been so employed since November 2019. I am currently assigned to the HSI Ventura-Northridge, which is tasked with investigating federal crimes involving fraud schemes to include marriage fraud and document benefit fraud, smuggling of drugs, money laundering, illegal gambling, firearms violations, immigration crimes, child

exploitation, human trafficking, and various other violations of immigration and customs law. I have been employed as a federal law enforcement officer since April 2007. Prior to my employment with HSI, I was a Border Patrol Agent and Customs and Border Protection Officer.

4. I am a graduate of the Criminal Investigator Training Program and ICE Special Agent Training Program at the Federal Law Enforcement Training Center located in Brunswick, Georgia. These courses provided me with training in various aspects of organized crime, drug investigations, money laundering, financial crimes, firearms violations, human trafficking, and immigration crimes relating to document benefit fraud and marriage fraud.

5. Through my training, experience, and consultation with other, more experienced agents and law enforcement officers, I have become familiar with the methods of operation used by people who are involved in drug smuggling, firearms violations, marriage fraud schemes, human trafficking, and financial crimes, specifically, illegal gambling, and money laundering. I am familiar with how criminal organizations use digital devices and financial institutions to facilitate and conceal their crimes.

6. During my tenure with HSI, I have gained a working knowledge on investigations involving drug smuggling, firearms violations, illegal gambling, money laundering, and marriage fraud. I have conducted surveillance and assisted with the service of search warrants involving illegal gambling, firearms violations, and controlled substances. I have seized large

amounts of bulk U.S. currency derived from proceeds of specified unlawful activity.

7. Additionally, I have conducted and participated in many aspects of criminal investigations, including reviewing immigration documents, conducting physical surveillance, serving subpoenas, debriefing sources, conducting interviews, executing search warrants, seizing evidence, and making arrests. I am familiar with the facts and circumstances of this investigation because of my participation and discussions with other law enforcement officers involved with this investigation.

SUMMARY OF PROBABLE CAUSE

8. On January 19, 2023, the Los Angeles Police Department ("LAPD") along with HSI executed a state search warrant at 1026 E. San Antonio Drive, Apartment C, Long Beach, California ("San Antonio residence"). The scope of the search included any vehicles and persons, specifically KINIKINI, associated to the San Antonio residence.

9. KINIKINI was observed by law enforcement leaving the San Antonio residence in a black Ford Expedition bearing California license plate 8VLY765. KINIKINI was subsequently pulled over by a marked LAPD vehicle in the vicinity of 1500 E. San Antonio Drive, Long Beach, California.

10. With KINIKINI safely secured, investigators executed the search warrant at the San Antonio residence. During the search of the San Antonio residence, investigators discovered a loaded 9mm handgun in an unsecured living room closet with 27 rounds of live 9mm ammunition.

11. After being Mirandized, KINIKINI claimed possession of the firearm which he described as a 9mm. KINIKINI is a convicted felon. Accordingly, KINIKINI is prohibited from possessing firearms or ammunition under Title 18, United States Code, Section 922(g)(1).

12. On January 19, 2023, a certified Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") interstate nexus expert reviewed photographs of some of the ammunition that KINIKINI possessed and determined that the ammunition traveled in and/or affected interstate commerce.

13. In addition, based on my examination of the seized firearm, I noted that the lower portion of the frame was marked with writing indicating the frame of the firearm was manufactured in Nevada.

STATEMENT OF PROBABLE CAUSE

14. Based on my review of law enforcement reports, conversations with other law enforcement agents, and my own knowledge of the investigation, I am aware of the following:

A. Search Warrants for an Illegal Gambling Location and C.A.'s Phone

15. On July 19, 2022, members of the LAPD Major Crimes Division, Transnational Organized Crime Section, served a state search warrant (SW 2022-100238), signed by the Honorable Katherine Mader, at a residence in the Encino neighborhood of Los Angeles. The location was being utilized as an illegal gambling location. During the service of the search warrant, an individual identified as C.A. was detained. During the service

of the warrant, C.A.'s cellphone was recovered and booked into evidence pending review of the contents contained on the phone.

16. Following the search warrant at the residence in Encino, California, a federal search warrant (2:22-mj-03336) was reviewed and approved by the Honorable Rozella A. Oliver for C.A.'s cellphone. The contents of the phone were downloaded, retrieved, and analyzed by members of the investigative team. During a review of the phone, investigators discovered numerous conversations, as current as July 19, 2022 (the day the phone was recovered), depicting conversations facilitating firearm purchases and sales by C.A. and others. These transactions included firearms illegally equipped with suppressors, reported stolen firearms, submachine guns or other apparent automatic firearms, and "ghost" guns, or unserialized and untraceable firearms that can be bought online and assembled at home. Some of the individuals C.A. was engaging with over trafficking in firearms were identified as prohibited possessors (convicted felons, gang members).

B. KINIKINI's Text Messages about Firearms Deals

1. First Firearms Deal

17. One conversation C.A. had about trafficking firearms took place with the contact name "Toko Ben Work" and associated phone number 562-536-9168. KINIKINI was identified in conversations with C.A. using subscriber information and parole information. Additionally, while using Venmo, C.A. identifies KINIKINI as "Penisimani." Further, using messages contained

within the conversation on the phone, investigators were able to identify "Toko Ben Work" as KINIKINI.

18. On February 14, 2022, at 7:44:55 p.m., KINIKINI sent a message which stated "Wussup uce,¹ u interested in coppin some thangs?² Mainly big ones bro lmk."³ C.A. responded with "Pic uce?? N Ticket."⁴

19. KINIKINI then provided seven photographs and a short video depicting several apparent ghost guns, illegal assault weapons, and firearms equipped with suppressors. Following the photographs and video, KINIKINI stated "Ar's m16's r 1300"⁵ and "Ar50 2800."

¹ Based on my training and experience, "uce" stems from the Samoan word "uso" and is used when a man addresses another man as his brother, or a woman addresses another woman as her sister.

² Based on my training and experience, "thangs" is street vernacular, slang, or another term used for firearms. Therefore, "coppin some thangs" refers to obtaining firearms.

³ Based on my training and experience, "lmk" is a messaging abbreviation for the term "let me know."

⁴ Based on my training and experience, "ticket" is a term used asking for the price.

⁵ Based on my training and experience, "ar's m16's" stands for assault rifles and model 16s.

20. C.A. stated, "I'll let my ppl know Toko⁶ be ready" and "The 57⁷ how much??" KINIKINI responded, "That shit just got sold uce."

21. KINIKINI and C.A. then engaged in a conversation about the firearms that are still available, and whether they were semi-automatic or automatic. On February 15, 2022, at 10:59:43 a.m., C.A. inquired, "One of my guys is asking if there clean n if they can be register??"⁸ KINIKINI replied, "Clean not registered."

22. On February 15, 2022, at 11:38:28 a.m., C.A. stated, "Toko we take the two black one," followed by a picture of two apparent blue steel, ghost gun assault weapons equipped with suppressors which KINIKINI had previously sent.

23. Based on my training and experience, KINIKINI and C.A. appeared to be negotiating the illegal sale of firearms.

2. Second Firearms Deal

24. On February 25, 2022, at 7:04:07 a.m., KINIKINI messaged C.A. stating, "top of the morning uce" and "So next week they'll be 2 ar's 2 pistols," "Glock 9's on the pistol."

⁶ Based on my training and experience, "toko" is a slang term meaning a close acquaintance.

⁷ "57" appears to be referencing the photograph of the Ruger 57 sent by KINIKINI.

⁸ Based on my training and experience, the reference to "clean" is a question of whether the firearm has been used in crimes ("dirty") or if it is new and has not been used ("clean"). KINIKINI is also indicating the firearms are not legally registered.

C.A. responded, "Ok I'll let the guys know thank n good morning."

25. KINIKINI then replied, "These r the 2 AR's getting worked on rn rn" and attached an image of two apparent ghost gun assault weapons being built. C.A. replied, "Nice."

26. On February 25, 2022, at 1:54:42 p.m., KINIKINI messaged C.A. stating, "Uce" followed by a photograph of two assault weapons and two pistols. All the firearms photographed appear to be ghost guns.

27. C.A. replied, "Ok Toko" and "I might have a buyer Toko waiting for his Tex back." KINIKINI replied, "There's for 4 up for grabs uce find em while it's good."

28. On February 27, 2022, at 1:21:18 p.m., KINIKINI sent C.A. a message stating, "2 AR's just got tested." Attached with the message are two videos of an individual conducting a "function check" of the two assault weapons most recently built. I know from my training and experience that function tests are typically conducted on newly built ghost guns to ensure the firearm is working properly.

3. Third Firearms Deal

29. On June 7, 2022, at 7:14:41 p.m., C.A. sent KINIKINI a photograph depicting an AK-47 style rifle.

30. On June 9, 2022, at 12:27:54 p.m., C.A. followed up on the photograph he had sent to KINIKINI and asked, "What good your boy still need that 9mm tmw or this AK??"⁹ KINIKINI

⁹ Based on my training and experience, "9mm" is a reference to a caliber of firearm which shoots nine-millimeter style
(footnote cont'd on next page)

replied, "For the K, it's a negative & the 9 still waiting on his response." C.A. replied, "Ok let me know for the 9 I'll try to have it by tmw Toko." KINIKINI replied, "Fasho uce."

C. During a Search of KINIKINI's Residence, Investigators Found a Loaded Firearm

31. On January 19, 2023, the LAPD along with HSI executed a state search warrant at the San Antonio residence which authorized the search of the San Antonio residence, vehicles, and persons, specifically KINIKINI, associated with the San Antonio residence.

32. Prior to executing the search warrant, investigators conducted surveillance at the San Antonio residence and observed KINIKINI exit from a pathway leading to the entrance of the San Antonio residence and enter a black 2019 Ford Explorer bearing California license plate 8VLY765, which is registered to KINIKINI and Sabrina Kinikini, the suspected wife of KINIKINI. Additionally, investigators have observed Sabrina Kinikini and a young child exit from the pathway leading to the San Antonio residence.

33. KINIKINI was observed by law enforcement leaving the San Antonio residence in a black Ford Expedition bearing California license plate 8VLY765. KINIKINI was subsequently pulled over by a marked LAPD vehicle in the vicinity of 1500 E. San Antonio Drive, Long Beach, California.

34. With KINIKINI safely secured, investigators executed the search warrant at the San Antonio residence. During the

ammunition. "AK" is an abbreviation for Avtomat Kalashnikova which is a Russian designed automatic rifle.

search of the San Antonio residence, investigators discovered a 9mm handgun in a living room closet with 27 rounds of live 9mm ammunition. The lower portion of the frame was marked with writing indicating that the frame of the firearm was manufactured in Nevada.

35. Further, investigators located three gun holsters in a drawer in a nightstand, where KINIKINI stated he was sleeping. Based on investigators expertise the recovered firearm did not fit in the recovered holsters.

36. Additionally, KINIKINI identified a garage associated to the San Antonio residence and provided investigators the combination to the lock. In the garage, investigators discovered large zip ties, a flashlight, and a black full-face ski mask¹⁰ located inside a black duffle bag with no other contents. KINIKINI's explanation of why he possessed the ski mask was that he used it in security work and that in the event something happens, he puts the ski mask on.

D. KINIKINI's Mirandized Statements

37. KINIKINI was held in a marked LAPD vehicle during the search of the San Antonio Residence and was read his Miranda rights and agreed to speak to law enforcement. KINIKINI said

¹⁰ Firearms, zip ties, and full-face ski masks are often used by criminals during home invasions and robberies. During a search of C.A.'s phone, investigators identified a conversation of an individual attempting to hire C.A. and others for debt collection stemming from illegal gambling debts. Based on conversations between C.A. and KINIKINI involving firearms, C.A. and KINIKINI's jobs as security guards, and the items found in KINIKINI's garage, investigators suspect KINIKINI is involved in home invasions and/or robberies.

that he was in possession of a 9mm handgun which was located in the closet of the San Antonio residence. KINIKINI said that he received the firearm the day before from a friend.

38. KINIKINI possessed the firearm for protection purposes because he recently had an incident where he was confronted by gang members and "gang banged" on in front of his residence while he was with his juvenile child.

39. KINIKINI admitted to being involved, in the past, with the Tonga 4 Life criminal street gang, which is affiliated with the Crips criminal street gang. KINIKINI claimed to no longer associate with the gang.

40. KINIKINI said that he acted as a middleman for firearm transactions but never received any compensation for brokering the deals. KINIKINI stated he used his cell phone to text and call individuals regarding firearm deals.

41. KINIKINI said that he works as an unarmed security guard since he is not allowed to be armed.

42. KINIKINI also stated his main connection for firearms was an individual named "ACE" who he knows from working as a security guard during private events. KINKINI knows that ACE was recently arrested by law enforcement. KINIKINI said that he knows about ACE's recent arrest because ACE contacted him and informed KINIKINI that he was mentioned in prosecution paperwork.¹¹

¹¹ C.A. was indicted on January 11, 2023, in the Central District of California, for engaging in the business of dealing in firearms without a license in violation of 18 U.S.C. § 922(a)(1)(A).

43. KINIKINI asked ACE what was specifically mentioned, and ACE responded, "text messages" exchanged between the two. KINIKINI requested a screen shot of the documents mentioning him, but ACE never responded.

44. KINIKINI said that he routinely erases his text message communications and does not save anything on his phone.

E. KINIKINI's Criminal History

45. On January 18, 2023, I reviewed KINIKINI's criminal history and learned that KINIKINI has previously been convicted of the following felony crimes punishable by a term of imprisonment exceeding one year:

a. On or about October 19, 2005, a violation of California Penal Code Section 212.5, second degree robbery with a sentencing enhancement for the use of a firearm in commission of a felony, in the Superior Court for the State of California, County of Los Angeles, Case Number VA08974702; and

b. On or about May 15, 2008, a violation of California Penal Code Section 4501.5, battery by a prisoner and violation of California Penal Code Section 69, obstruct/resist an executive officer -- at the Corcoran Correctional Facility -- in the Superior Court for the State of California, County of Kings, Case Number CH025581.

46. Additionally, according to KINIKINI's criminal history, on or about January 20, 2021, KINIKINI was arrested for violating California Penal Code Section 30305(a)(1), possession of ammunition by a prohibited , and California Penal Code Section 3056, violation of parole, in the Superior Court for the

State of California, County of San Mateo, Case Number 21-NF-001470-A.

F. Interstate Nexus

47. On January 19, 2023, ATF SA R. Catanzano, an interstate nexus expert, reviewed photographs of ammunition recovered and determined the following:

a. One round of Winchester 9mm caliber ammunition, marked with the headstamp WIN and 9mm LUGER+P was manufactured outside the State of California; and

b. One round of Remington 9mm caliber ammunition, marked with the headstamp R-P • and 9mm LUGER was manufactured outside the State of California.

48. Because the ammunition was recovered in California, I believe that they traveled in and affected interstate or foreign commerce.

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CONCLUSION

49. For all of the reasons described above, there is probable cause to believe that KINIKINI has committed a violation of 18 U.S.C. § 922(g)(1): Felon in Possession of Ammunition.



BLAKE OUZOUNIAN
HSI Special Agent

Subscribed to and sworn before me
this 20 day of January, 2023.



THE HONORABLE STEVE KIM
UNITED STATES MAGISTRATE JUDGE